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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
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12 MARLA TIDENBERG, individually and
for all others similarly situated,

13 Plaintiffs,

14 vs.

15 BIDZ.COM, INC., DOES 1-20,

16 Defendants.
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**CASE NO. CV08-05553 PSG
(FMOx)**

**NOTICE OF BIDZ.COM, INC.'S
MOTION FOR IMPOSITION OF
RULE 11 SANCTIONS**

**[Federal Rule of Civil Procedure
11(b) (3) and (c)]**

**[FILED CONCURRENTLY WITH
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
BIDZ.COM'S MOTION FOR
IMPOSITION OF RULE 11
SANCTIONS; DECLARATIONS OF
TARA MARTIN, CHRISTOPHER
BLOCK, CLAUDIA LIU, AND
LEON KUPERMAN; REQUEST FOR
JUDICIAL NOTICE; NOTICE OF
PREVIOUSLY LODGED
DEPOSITION TRANSCRIPT;
CERTIFICATION OF
COMPLIANCE; PROPOSED
ORDER]**

**Date: October 26, 2009
Time: 1:30 p.m.
Place: Courtroom 790**

25 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**
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27 **PLEASE TAKE NOTICE** that on October 26, 2009, at 1:30 p.m., before
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1 the Honorable Philip S. Gutierrez, United States District Court Judge, located in
2 Courtroom 790 at 255 E. Temple Street, Los Angeles, California 90012, defendant
3 Bidz.com, Inc. ("Bidz.com") will move the Court for the imposition of sanctions
4 against plaintiff and her counsel under Federal Rule of Civil Procedure 11(b)(3)
5 and 11(c).

6 This motion is made on the grounds that plaintiff's Third Amended
7 Complaint pleads facts which at the time made and at present have no evidentiary
8 support, and that defendant has suffered prejudice as a result. As a sanction,
9 Bidz.com requests the Court strike from plaintiff's Third Amended Complaint all
10 allegations of shill bidding and assess plaintiff and her counsel the fees incurred by
11 Bidz.com in bringing this motion.

12 This motion is based on this Notice, the attached Memorandum of Points
13 and Authorities, Declarations of Tara Martin, Christopher Block, Claudia Liu, and
14 Leon Kuperman, on the pleadings and records on file in this action, and upon any
15 oral argument made at the hearing of the motion.

16 This motion is made following the conference of counsel pursuant to L.R. 7-
17 3 which took place on August 14, 2009, August 17, 2009, and September 4, 2009.

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19 Dated: September 16, 2009

GORDON & REES LLP

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21 /s/

22 Douglas Smith
23 Tara L. Martin
24 Stephanie Alexander
25 Attorneys for Defendant BIDZ.COM, INC.
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